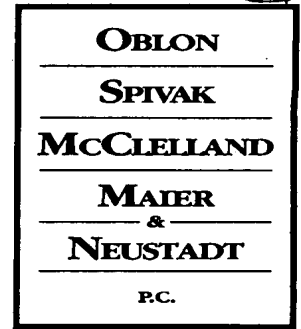




DAU

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ATTORNEYS AT LAW

Docket No.: 211371US2RD

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/904,497
Applicants: Masanori HATTORI, et al.
Filing Date: July 16, 2001
For: SCHEME FOR PROMOTING PURCHASES BY
REMINDING PURCHASES THROUGH NETWORK
ACCORDING TO USER'S LOCATION AND STATE
Group Art Unit: 3627
Examiner: CUFF, MICHAEL A.

SIR:

Attached hereto for filing are the following papers:
Petition Under 37 CFR §1.181(A) Requesting Withdrawal of the Holding of Abandonment
Copy of Amendment Under 37 CFR §1.111
Copy of Request for Extension of Time Under 37 CFR §1.136
Copy of Amendment Cover Letter
Copy of Date-stamped Filing Receipt

Our credit card payment form in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Eckhard H. Kuesters

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DOCKET NO: 211371US2RD

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

MASANORI HATTORI, ET AL.

SERIAL NO: 09/904,497

FILED: JULY 16, 2001

FOR: SCHEME FOR PROMOTING
PURCHASES BY REMINDING
PURCHASES THROUGH NETWORK
ACCORDING TO USER'S LOCATION
AND STATE

:

: EXAMINER: CUFF, MICHAEL A.

:

: GROUP ART UNIT: 3627

:

PETITION UNDER 37 CFR §1.181(A) REQUESTING WITHDRAWAL OF THE
HOLDING OF ABANDONMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In accordance with 37 CFR §1.181(a) and MPEP § 711.03(c), Applicants respectfully request withdrawal of the holding of abandonment in the present application.

STATEMENT OF FACTS

A non-final Official Action was mailed on September 27, 2006. The sixth-month statutory period for filing a reply to the Official Action is March 27, 2007. In response to the Official Action, Applicants filed an Amendment under 37 CFR §1.111, along with a petition for a three-month extension of time, on March 27, 2007. Thus, a response to the Official Action of September 27, 2006 was timely filed. Copies of the filed papers obtained from PAIR, along with a copy of the date-stamped filing receipt evidencing filing thereof, are attached.

PETITION UNDER 37 CFR §1.181(A) REQUESTING WITHDRAWAL OF THE
HOLDING OF ABANDONMENT

A Notice of Abandonment was mailed on April 9, 2007, which indicated that the present application is abandoned because no reply was received within the six-month statutory time limit.

ERROR

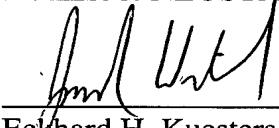
The U.S. Patent and Trademark Office has mistakenly held that the present application is abandoned.

REQUESTED ACTION

Applicants respectfully request that the U.S. Patent and Trademark Office withdraw their holding of abandonment and consider the attached Amendment under 37 CFR §1.111.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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Joseph Wrkich
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COPY

OSMM&N File No. 211371US2RD

Dept.: E/M

By: EHK/ZSS/pae

Serial No. 09/904,497

In the matter of the Application of: Masanori HATTORI, et al.

For: SCHEME FOR PROMOTING PURCHASES BY REMINDING PURCHASES
THROUGH NETWORK ACCORDING TO USER'S LOCATION AND STATE

Due Date: 03-27-07

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☒ Credit Card Form for \$1,020.00
- ☒ Dep. Acct. Order Form
- ☒ Amendment Cover Letter
- ☒ Petition for Extension of Time 3-months
- ☒ Amendment under 37 CFR 1.111



Docket No. 211371US2RD

IN RE APPLICATION OF: Masanori HATTORI, et al.

SERIAL NO: 09/904,497

FILED: July 16, 2001

FOR: SCHEME FOR PROMOTING PURCHASES BY REMINDING PURCHASES THROUGH NETWORK
ACCORDING TO USER'S LOCATION AND STATE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Transmitted herewith is an amendment in the above-identified application.

- ☐ No additional fee is required
- ☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.
- ☒ Additional documents filed herewith: Request for Extension of Time (3-months)

The Fee has been calculated as shown below:

CLAIMS	CLAIMS REMAINING		HIGHEST NUMBER PREVIOUSLY PAID	NO. EXTRA CLAIMS	RATE	CALCULATIONS
TOTAL	35	MINUS	40	0	x \$50 =	\$0.00
INDEPENDENT	3	MINUS	4	0	x \$200 =	\$0.00
APPLICATION SIZE		MINUS	100	0 (each addtl. 50 sheets)	x \$250 =	\$0.00
		<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS			+ \$360 =	\$0.00
		TOTAL OF ABOVE CALCULATIONS				\$0.00
		<input type="checkbox"/> Reduction by 50% for filing by Small Entity				\$0.00
		TOTAL				\$0.00

- ☐ A check in the amount of \$0.00 is attached.
- ☒ Credit card payment form is attached to cover the fees in the amount of \$1020.00
- ☒ Please charge any additional Fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
- ☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


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Zachary S. Stern
Registration No. 54,719



COPY





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Docket No. 211371US2R1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Masanori HATTORI, et al.

SERIAL NO: 09/904,497

GAU: 3627

FILED: July 16, 2001

EXAMINER: CUFF, M. A.

SCHEME FOR PROMOTING PURCHASES BY REMINDING PURCHASES THROUGH NETWORK
ACCORDING TO USER'S LOCATION AND STATE

REQUEST FOR EXTENSION OF TIME
UNDER 37 C.F.R. 1.136

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

It is hereby requested that a three month extension of time be granted to March 27, 2007 for

- ☒ filing a response to the Official Action dated: September 27, 2006
- ☐ responding to the requirements in the Notice of Allowability dated:
- ☐ filing the Formal Drawings. The Issue Fee due has been timely filed.
- ☐ responding to the Notice to File Missing Parts of Application dated:
- ☐ filing a Notice of Appeal. A timely response to the final rejection, due has been filed.
- ☐ filing an Appeal Brief. A Notice of Appeal was filed on:
- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown below is reduced by one-half.

The required fee of \$1,020.00 is enclosed herewith by credit card payment and any further charges may be made against the Attorney of Record's Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Eckhard H. Kuesters

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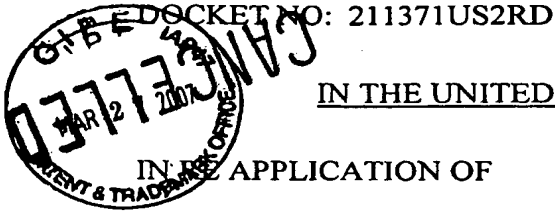
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DOCKET NO: 211371US2RD

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

MASANORI HATTORI, ET AL.

SERIAL NO: 09/904,497

FILED: JULY 16, 2001

FOR: SCHEME FOR PROMOTING
PURCHASES BY REMINDING
PURCHASES THROUGH NETWORK
ACCORDING TO USER'S LOCATION
AND STATE

:

: EXAMINER: CUFF, MICHAEL A

:

: GROUP ART UNIT: 3627

:

AMENDMENT UNDER 37 C.F.R. § 1.111

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated September 27, 2006, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 12 of this paper.

IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Currently Amended): A purchase promotion server system, comprising:

a user information database unit configured to store electronic goods or services information, the stored information indicating goods or services scheduled by a user to be purchased by the user or goods or services desired by the user to be purchased by each user;

a user state judgement unit configured to automatically judge a user state regarding whether the user is currently fit to make an action for purchasing the goods or services in the stored information at a current physical location of a user information communication terminal;

a user information management unit configured to recognize the user information communication terminal currently used by the user; and

a user notification unit configured to automatically send an urging or reminding message to the recognized user information communication terminal via a network when the user state, judged by the user state judgement unit, indicates that the user is currently fit to make the action for purchasing the goods or services in the stored information at the current physical location of the user information communication terminal,

the urging or reminding message being configured to urge or remind the user to make the action for purchasing the goods or services in the stored information at the current physical location of the user information communication terminal;

wherein the user state judgement unit judges the user state regarding whether the user is currently fit to make the action for purchasing the goods or services in the stored information according to ~~the state data that includes a~~ current time information indicating a current time and, ~~by using~~ a schedule information describing scheduled activities of the user at different times according to the current time indicated by the time information.

Claim 2 (Previously Presented): The system of claim 1, wherein the user state judgement unit judges the user state by using a located area information describing an area in which the user information communication terminal is currently physically located.

Claim 3 (Previously Presented): The system of claim 2, wherein the user state judgement unit uses the located area information that describes facilities existing in the physical area in which the user information communication terminal is currently physically located.

Claim 4 (Previously Presented): The system of claim 3, wherein the user state judgement unit judges that the user is currently fit to make the action for purchasing the goods or services scheduled to be purchased or the goods or services desired to be purchased, when the user information communication terminal is physically located in a physical area with a facility at which at least one of the goods or services scheduled to be purchased or the goods or services desired to be purchased can be purchased.

Claims 5 and 6 (Canceled).

Claim 7 (Previously Presented): The system of claim 1, wherein the user state judgement unit judges that the user is currently fit to make the action for purchasing goods or services in the stored information when the current time is not in a working time zone of the user according to the schedule information.

Claim 8 (Previously Presented): The system of claim 1, wherein the user notification unit refers to the user information management unit so as to recognize the user information communication terminal currently used by the user, and sends the message in a format suitable to the recognized user information communication terminal.

Claim 9 (Previously Presented): The system of claim 1, wherein the user notification unit sends the message in a form of an e-mail destined to a portable information communication terminal carried around by the user.

Claim 10 (Previously Presented): The system of claim 1, further comprising:
a user information providing unit configured to provide contents including the electronic goods or services information, in a form accessible by the user via the network.

Claim 11 (Previously Presented): The system of claim 10; further comprising:
a contents production unit configured to produce the contents to be provided by the user information providing unit, according to the user state judged by the user state judgement unit.

Claim 12 (Previously Presented): The system of claim 11, wherein the contents production unit produces the contents by collecting related information relevant to a current physical location of the user information communication terminal.

Claim 13 (Previously Presented): The system of claim 12, wherein the contents production unit produces the contents including the related information which is an

advertisement or recommendation of a shop existing in an area in which the user information communication terminal is currently physically located.

Claim 14 (Previously Presented): The system of claim 10, wherein the user information providing unit provides the contents that also include at least one of:

- (1) an out-of-stock goods information based on a stock management of a refrigerator of the user;
- (2) an out-of-stock goods information based on a cooking recipe executed by a microwave oven of the user; and
- (3) a new product information based on a preference information of the user extracted from a past purchase log.

Claim 15 (Previously Presented): The system of claim 10, wherein the user notification unit sends the message that is linked to the contents provided by the user information providing unit.

Claim 16 (Previously Presented): The system of claim 1, wherein the user notification unit sends the message that also contains the electronic goods or services information.

Claim 17 (Previously Presented): The system of claim 1, wherein operations of the user information database unit, the user state judgment unit, and the user notification unit are provided in a form of an agent service to be provided to each user individually.

Claim 18 (Previously Presented): The system of claim 1, further comprising:

a user information management unit configured to manage the electronic goods or services information and a purchase log of the user by obtaining a purchase record information indicating goods or services actually purchased by the user from a Point-of-Sale (POS) system of each shop used by the user and updating at least one of the electronic goods or services information and the purchase log of the user.

Claim 19 (Previously Presented): The system of claim 18, wherein the user information management unit manages the electronic goods or services information that is shared by a plurality of users.

Claim 20 (Currently Amended): A purchase promotion method, comprising:
storing electronic goods or services information indicating goods or services scheduled by a user to be purchased by the user or goods or services desired by the purchased by each user;

automatically judging a user state regarding whether the user is currently fit to make an action for purchasing goods or services in the stored information at a current physical location of a user information communication terminal;

recognizing the user information communication terminal currently used by the user;
automatically sending an urging or reminding message to the recognized user information communication terminal via a network when the user state judged by the automatically judging step indicates that the user is currently fit to make the action for purchasing the goods or services, stored in the storing step, at the current physical location of the user information communication terminal; and

urging or reminding the user to make the action for purchasing the goods or services, stored in the storing step, at the current physical location of the user information communication terminal using the message sent by the sending step;

wherein the automatically judging step judges the user state regarding whether the user is currently fit to make the action for purchasing the goods or services in the stored information according to ~~the state data that includes a~~ current time information indicating a current time ~~and, by using~~ a schedule information describing scheduled activities of the user at different times ~~according to the current time indicated by the time information.~~

Claim 21 (Previously Presented): The method of claim 20, wherein the judging judges the user state by using a located area information describing an area in which the user information communication terminal is currently physically located.

Claim 22 (Previously Presented): The method of claim 21, wherein the judging uses the located area information that describes facilities existing in the area in which the user information communication terminal is currently physically located.

Claim 23 (Previously Presented): The method of claim 22, wherein the judging judges that the user is currently fit to make the action for purchasing the goods or services scheduled to be purchased or the goods or services desired to be purchased, when the user information communication terminal is physically located in a physical area with a facility at which at least one of the goods or services scheduled to be purchased or the goods or services desired to be purchased can be purchased.

Claims 24 and 25 (Canceled).

Claim 26 (Previously Presented): The method of claim 20, wherein the judging judges that the user is currently fit to make the action for purchasing goods or services when the current time is not in a working time zone of the user according to the schedule information.

Claim 27 (Previously Presented): The method of claim 20, wherein the sending recognizes the user information communication terminal currently used by the user, and sends the message in a format suitable to the information communication terminal.

Claim 28 (Previously Presented): The method of claim 20, wherein the sending sends the message in a form of an e-mail destined to a portable information communication terminal carried around by the user.

Claim 29 (Previously Presented): The method of claim 20, further comprising: providing contents including the electronic goods or services information, in a form accessible by the user via the network.

Claim 30 (Previously Presented): The method of claim 29, further comprising: producing the contents to be provided by the providing, according to the user state judged by the judging.

Claim 31 (Previously Presented): The method of claim 30, wherein the producing produces the contents by collecting related information relevant to a current physical location of the user information communication terminal.

Claim 32 (Previously Presented): The method of claim 31, wherein the producing produces the contents including the related information which is an advertisement or recommendation of a shop existing in an area in which the user information communication terminal is currently physically located.

Claim 33 (Previously Presented): The method of claim 29, wherein the providing provides the contents that also include at least one of:

(1) an out-of-stock goods information based on a stock management of a refrigerator of the user;

(2) an out-of-stock goods information based on a cooking recipe executed by a microwave oven of the user; and

(3) a new product information based on a preference information of the user extracted from a past purchase log.

Claim 34 (Previously Presented): The method of claim 29, wherein the sending sends the message that is linked to the contents provided by the providing.

Claim 35 (Previously Presented): The method of claim 20, wherein the sending sends the message that also contains the electronic goods or services information.

Claim 36 (Previously Presented): The method of claim 20, wherein operations of the storing, the judging, and the sending are provided in a form of an agent service to be provided to each user individually.

Claim 37 (Previously Presented): The method of claim 20, further comprising:
managing the electronic goods or services information and a purchase log of the user by obtaining a purchase record information indicating goods or services actually purchased by the user from a Point-of-Sale (POS) system of each shop used by the user and updating at least one of the electronic goods or services information and the purchase log of the user.

Claim 38 (Previously Presented): The method of claim 37, wherein the managing manages the electronic goods or services information that is shared by a plurality of users.

Claim 39 (Currently Amended): A computer usable medium having computer readable program codes embodied therein for causing a computer to function as a purchase promotion server system, the computer readable program codes including:

a first computer readable program code for causing said computer to store electronic goods or services information, the stored information indicating goods or services scheduled by a user to be purchased by the user or goods or services desired by the user to be purchased by each user;

a second computer readable program code for causing said computer to automatically judge a user state regarding whether the user is currently fit to make an action for purchasing the goods or services in the stored information at a current physical location of a user information communication terminal;

a third computer readable program code for causing said computer to recognize the user information communication terminal currently used by the user; and

a fourth computer readable program code for causing said computer to automatically send an urging or reminding message to the recognized user information communication terminal via a network when the second computer readable program code judges that the user

is currently fit to make the action for purchasing the goods or services, stored by the first computer readable program code, at the current physical location of the user information communication terminal,

the urging or reminding message being configured to urge or remind the user to make the action for purchasing the goods or services in the stored information at the current physical location of the user information communication terminal;

wherein the second computer readable program code judges the user state regarding whether the user is currently fit to make the action for purchasing the goods or services in the stored information according to ~~the state data that includes a~~ current time information indicating a current time and, ~~by using~~ a schedule information describing scheduled activities of the user at different times ~~according to the current time indicated by the time information.~~

Claim 40 (Canceled).

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-4, 7-23, and 26-39 are pending in this application. Claims 1, 20, and 39 are amended by the present amendment.

In the outstanding Office Action, Claims 1-4, 7-13, 15-17, 19-23, 26-32, 34, 35, and 37-39 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 6,177,905 to Welch in view of U.S. Patent 6,587,782 to Nocek et al. (herein "Nocek"); and Claims 14, 18, 33 and 36 were rejected under 35 U.S.C. § 103(a) as unpatentable over Welch in view of Nocek, U.S. Patent 6,064,980 to Jacobi et al. (herein "Jacobi").

Applicants respectfully traverse the rejection of Claims 1-4, 7-13, 15-17, 19-23, 26-32, 34, 35, and 37-39 under 35 U.S.C. § 103(a) as unpatentable over Welch and Nocek.

Claim 1, which is amended to more clearly indicate the intended features, is directed to a purchase promotion server system that includes, in part, a user information database unit configured to store electronic goods or services information, a user state judgement unit configured to automatically judge a user state regarding whether the user is currently fit to make an action for purchasing the goods or services in the stored information, a user information management unit, and a user notification unit configured to automatically send an urging or reminding message to a recognized user information communication terminal. The user state judgment unit judges the user state regarding whether the user is currently fit to make the action for purchasing the goods or services in the stored information according to a current time information indicating a current time and a schedule information describing scheduled activities of the user at different times. Independent Claims 20 and 39 include similar features.

Thus, the claimed inventions may register in advance goods or services scheduled or desired to be purchased by each user so that the system may automatically urge or remind the user to make the action for purchasing these goods or services at the current location according to the scheduled activity of the user at the current time, even if the user himself is not consciously aware that he is currently in a state suitable for making the action for purchasing these goods or services.

Further, Applicants note that the claimed inventions may judge whether the user is currently fit to make the action for purchasing these goods or services according to a scheduled activity of the user at that time. In other words, the system judges whether the user is currently fit to make the action for purchasing these goods or services according to whether or not the current scheduled activity of the user permits the user to make the action for purchasing these goods or services.

Applicants respectfully traverse the assertion in the outstanding Office Action that Nocek discloses providing reminders about points of interest while traveling, which includes both location and time data along the route or schedule in order to minimize one's travel time and still get to the desired locations.¹

However, Applicants respectfully submit that Nocek fails to teach or suggest the claimed features asserted in the outstanding Office Action. Nocek describes a method and system for providing reminders about points of interests while traveling and in particular Nocek describes a navigation system that provides a reminder when a user is in proximity to a location of a point of interest of a specified type. Nocek displays a current location of the user in a location at each point of interest along the selected route, along with an indication of an estimated time to reach the point of interest and an estimated distance from the current

¹ Office Action at page 3, lines 12-14.

location to the point of interest.² Thus, the estimated time of Nocek fails to indicate a current time, and therefore Nocek fails to teach or suggest the claimed current time information. Further, the route of Nocek fails to indicate scheduled activities of a user at different times. Therefore, Nocek also fails to teach or suggest the claimed schedule information.

Further, Applicants respectfully note that the navigation system of Nocek does not automatically urge or remind a user to make an action for purchasing goods or services at the current location according to a scheduled activity of the user at the current time. In particular, Nocek fails to teach or suggest any judging of whether the user is currently fit to make the action for purchasing these goods or services according to the scheduled activity of the user at the time. In other words, Nocek fails to teach or suggest judging whether or not the current scheduled activity of the user permits the user to make the action for purchasing these goods or services.

In addition, as noted in the Office Action, Welch only describes informing the user about information or the performing of a function that a user has chosen to associate with a location, when the user arrives at their predetermined location. Thus, Welch fails to teach or suggest judging whether the user is currently fit to make an action for purchasing goods or services according to the scheduled activity of the user at that time (i.e., according to whether or not the current scheduled activity of the user permits the user to make the action for purchasing these goods or services).

Accordingly, Applicants respectfully submit that independent Claims 1, 20, and 39, and claims depending therefrom, patentably define over Welch and Nocek.

Therefore, Applicants respectfully request the rejection of claims with respect to Welch and Nocek under 35 U.S.C. § 103(a) be withdrawn.

² Nocek at Figure 10.

Further, Applicants respectfully traverse the rejection of Claims 14, 18, 33, and 36 under 35 U.S.C. § 103(a) as unpatentable over Welch, Nocek, and Jacobi.

Claims 14, 18, 33, and 36 depend from independent Claims 1 and 20, which are believed to patentably define over Welch and Nocek as discussed above. Further, Applicants respectfully submit that Jacobi fails to teach or suggest the claimed features lacking in the disclosure of Welch and Nocek. Accordingly, it is respectfully requested the rejection of Claims 14, 18, 33, and 36 under 35 U.S.C. § 103(a) be withdrawn.

Accordingly, Applicants respectfully submit that independent Claims 1, 20, and 39, and the claims depending therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present amendment, this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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Customer Number

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EHK/ZS/law

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